

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

JUN 08 2017

DOUGLAS F. YOUNG, Clerk
By

Deputy Clerk

PLAINTIFF

PHILLIP THOMPSON

VS.

Case No. 17-6049

ERIC TRIMBLE and
OLD DOMINION FREIGHT LINE, INC.

DEFENDANT

NOTICE OF REMOVAL

TO: Russell D. Marlin
Taylor King Law
320 Main Street
Arkadelphia, Arkansas 71923

Please take notice that the captioned case filed as Case No. 10CV-17-69 in the Circuit Court of Clark County, Arkansas has been hereby removed to the United States District Court for the Western District of Arkansas, Hot Springs Division. The Defendants, Eric Trimble ("Trimble") and Old Dominion Freight Line, Inc. ("Old Dominion"), file this Notice of Removal and state, as grounds for removal, the following:

1. This action was commenced by the filing of a Summons and Complaint in the Circuit Court of Clark County, Arkansas on May 11, 2017, and was assigned case number 10CV-17-69. A copy of the Complaint and all pleadings currently on file with the Clark County, Arkansas, Circuit Court are attached as Exhibit "A" to the Notice of Removal.

2. Plaintiff Phillip Thompson has alleged in his Complaint that he is a resident of West Olive, Ottawa County, Michigan. (Exhibit "A," Complaint.)

3. Defendant Old Dominion is a corporation which is neither incorporated in nor has its principal place of business in the State of Arkansas. Defendant Trimble is, upon information and belief, a citizen and resident of the State of Texas.

4. This is a civil action in which plaintiff seeks compensatory in an amount in excess of that required for federal diversity jurisdiction. (Exhibit "A", Complaint.)

5. Therefore, this action is one over which a federal district court has original jurisdiction because there is complete diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332, and this case is removable under 28 U.S.C. § 1441(a) under the procedures set forth in 28 U.S.C. § 1446.

6. Defendant has given written notice of this removal by filing copies of this Notice of Removal with the Circuit Clerk of Clark County, Arkansas, and by mailing copies of this Notice of Removal to Plaintiff's attorney.

7. No admission of fact, law or liability is intended by the filing of this notice, and all defenses, motions and pleas are expressly reserved.

WHEREFORE, Defendants give notice that this case has been removed from the Circuit Court of Clark County, Arkansas, to the United States District Court for the Western District of Arkansas, Hot Springs Division.

Respectfully submitted,

MUNSON, ROWLETT, MOORE & BOONE, P.A.

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BY:


KARA B. MIKLES, AR BAR #2003088

Attorney for Defendants

CERTIFICATE OF SERVICE

I Kara B. Mikles state that on this 6th day of June, 2017, a true and correct copy of the foregoing pleading was mailed to the following individual(s):

Russell D. Marlin
Taylor King Law
320 Main Street
Arkadelphia, Arkansas 71923

A handwritten signature in black ink, appearing to read 'K. Mikles', is written above a horizontal line.

KARA B. MIKLES